IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1753 OF 2006

Nilesh VAsudeo Sawant & Anr. .. Petitioners.

vs.

Mrs. Asha Vasant Mhatre

& Ors. .. Respondents.

Mr. A.S. Navale for petitioners.

Mrs.U.V. Kejriwal, APP., for respondents.

Mrs. Dimple Shah for R. Nos. 1 & 2.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 12th September, 2006.

P.C.

. Heard.

2. The petitioners have approached this Court seeking quashing or de-registering of FIR / complaint registered by Vishnunagar Police Station, Dombivali, Dist Thane vide C.R. No. I-80/2006 against the petitioner for having committed offences under section 420 read with 34 of IPC.

3. The subject matter of the complaint relates

to a transaction of a business of hotel which was carried out in the name of Smt. Priyanka Nilesh Sawant who is the wife of a police officer who is of the rank of Senior Inspector of Police. It is the grievance of the complainant that she has been cheated by the petitioner and has been misled into entering into a transaction thereby causing wrongful loss to her. We find that a prima facie case has been made out which is apparent from the fact that the police have registered an FIR. It is proper that the matter is thoroughly investigated and as one of the suspect who is named as accused is a police officer holding the rank of Senior P.I. the investigation should be conducted by an officer of IPS cadre not below the rank of DCP. We direct the Commissioner of Police, Thane to entrust the investigation to the officer of the rank of DCP from IPS cadre. With these directions, the petition is dismissed. As we have dismissed the petition, all interim orders stand vacated.

. An authenticated copy of this order be furnished to the learned APP to communicate it to the Commissioner of Police, Thane.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)